

Thank you Mr. Chairman, Ranking Member Clay, and Members of the Subcommittee for the opportunity to appear before you today. I certainly appreciate your having a hearing on a piece of legislation that I think is very important to protect the integrity of our Democratic system.

Mr. Chairman, over the last several decades, our nation has had a rather dramatic shift of population and – as a result – Congressional representation from the Northeast and Midwest to the southern and western regions of the United States. As a Michigander, this concerns me as I have seen Michigan lose 4 seats in the last 30 years even though our population has grown, just not as fast as states in other parts of the nation. Other states have lost even more seats. The growth in Northern states is simply not keeping pace with the growth in states like California, Texas, or Florida.

There are of course, a number of reasons for this shift. Many people prefer warmer climates and retire to those areas permanently. Some people move to cities such as Las Vegas, Dallas, or Phoenix to pursue new job opportunities. There are many legitimate reasons for people to move to the South and the West. And I strongly believe in the concept of representational democracy, so it is entirely appropriate for Congressional seats to move along with population shifts so that Americans are properly represented in the halls of Congress.

But as I examined this issue, I came across a surprising issue that is happening as a result of this shift in population – the fact that illegal immigration or people who are in our country illegally or are not legal citizens of our nation are being counted, and apportioned Congressional Representation just the same as every legal American Citizen.

Let's examine how this can possibly be happening. Our Constitution requires the government to undertake a census every ten years. One of the many purposes of the census is to distribute seats in the Congress among the various states.

Those with greater population receive more seats than those with less. This reapportionment of seats is meant to balance as close as is practicable the concept of one man – one vote.

The 14th Amendment to the Constitution states that in the census that all persons must be counted. All persons include men and women, rich and poor, black and white, every person. However, many would be surprised to know it also means citizens and non-citizens – including illegal immigrants. In fulfilling its Constitutional obligation, the U.S. Census Bureau counts every person whether they are in this country legally or not. Those same numbers which include both legal and illegal immigrants are then used to determine Congressional representation.

So even if you broke the laws of our nation to come here, we give you as much representation to impact our laws as any legal American. So for all practical purposes, when we are voting in Congress about issues like national security, border security or illegal immigration, we allow illegal immigrants to influence the outcome.

We disenfranchise our own American citizens by allowing illegal immigrants to be counted for the purposes of Congressional Representation in the same identical way that we count legal citizens.

Allow me to illustrate my point by comparing three congressional districts.

The 10th District of Michigan, which I am proud to represent in this House, according to the 2000 Census is home to 662,510 individuals. Of those 645,888 are citizens according the Census estimates, and 16,622 non-citizens. So. According to the Census Bureau 97% of the residents of my district are American citizens, 3% are not.

The entire state of Montana has just one congressional district. It has a total population of 902,195 individuals. 895,281 of those are citizens, and 6,914 are non-citizens. Over 99% of the people in Montana are citizens, and less than 1% are not.

Now let us consider the 31st District of California. According to the Census, this district is home to 639,248 individuals.

Only 377,191 are citizens and 262,057 are non-citizens. This means that about 60% are citizens and that over 40% of the residents in this district are not American citizens.

This means my district is home to 268,697 more Americans than the 31st District of California. And it means that the state of Montana is home to an astounding 518,090 more Americans than is California 31.

Yet all 3 examples have the same vote in Congress.

Mr. Chairman, as a former Secretary of State, with principal responsibility for serving as my states chief election official, I probably look at election results a bit more closely than some. And it was while I was looking at election numbers for Congress around the nation that this huge discrepancy occurred to me.

In the 2004 election for in my district, 331,868 votes were cast. In the state of Montana 444,230 votes were cast. In California's 31st District, only 111,411 votes were cast.

There were nearly 3 times as many voters in my district as there were in California's 31st. Thus, a House candidate in California's 31st district need only win 56,000 votes to secure a seat in Congress. In my district, a winning candidate would need a minimum of 166,000 votes to secure a seat, nearly 50% more than the entire vote in California 31. In California 31, an individual voter has much greater influence than does one in Michigan's 10th Congressional District.

Fundamental fairness suggests that each Congressional district should have roughly the same number of citizens since only citizens are able to vote. A district which has tens or hundreds of thousands of illegal immigrants dilutes the voice of citizens in other areas of the nation and enhances that of those who live in such areas. In my opinion that is simply not fair.

Another effect of these Congressional seats shifting to states with larger non-citizen populations is that recipient states have a larger voice in Congress, and throughout the entire federal government. Having an inflated population, and thus a greater number of representatives in this House, opens doors for increased federal funding for those states. In a very twisted way, it also gives states an incentive – that may or may not be acted upon – to create a situation where illegal immigration is tolerated, accepted or even encouraged.

If only citizens had been counted for purposes of re-apportionment, Congressional Research Service estimates show it would have had an impact on how nine congressional seats were allocated. The state of California, home to an estimated 5.4 million non-citizens, would have been allocated six fewer seats in the House of Representatives. Three other states would have been awarded one less seat including Florida, New York and Texas. The nine states which would have been awarded one seat include Indiana, Kentucky, Michigan, Mississippi, Montana, Oklahoma, Pennsylvania, Wisconsin and Utah.

In fact, the six additional Congressional seats given to California because of its large non-citizen population, gives those non-citizens an equal or greater voice in the Electoral College, and thus the Presidential race, than do states that have 6 or less Congressional members. This includes the states of Alaska, Arkansas, Delaware, the District of Columbia, Hawaii, Idaho, Kansas, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia and Wyoming. Fully 20 states and the District of Columbia, have less to say about who is elected as President of the United States, than do the illegal immigrants in just the state of California, most of whom broke our laws to get here.

Mr. Chairman, there are people, some of whom you will here from shortly, who may tell this committee not to concern itself with this, that this is not really a problem, and that we have to make sure that a compassionate country like America should allow this to continue, but I do not.

For these reasons, I have introduced House Joint Resolution 53.

This Constitutional amendment specifies that Congressional representation shall be apportioned based on the number of citizens not persons in each state. A really simple change in the 14th amendment, simply changing the words persons to citizens.

Section 2 of the 14th Amendment reads in part, “Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each State...” Because the authors of the 14th Amendment chose the word “persons” instead of “citizens”, we have arrived at the situation we have today. While the Constitution should only be amended in the most essential circumstances, it is my understanding that a constitutional amendment is the only way to effect this change without endless litigation.

The right to vote is one of our most cherished freedoms. We should not allow that right to be diluted for any reason. Unfortunately, our porous border and lax enforcement of immigration laws are doing just that. Citizens who live in states with few immigrants, legal and illegal, are disadvantaged. This is about fundamental fairness and the American ideal of “One Man; One Vote.”

I don’t want anyone to take away the impression that because I have introduced this amendment that I am anti-immigrant. I am not. In fact my district is home to countless immigrants from across the globe including many from Eastern Europe and the Middle East. I believe in immigration – legal immigration.

As I have traveled my district and discussed this issue with so many of my constituents, I have found that those who are the most supportive are those who have followed the rules and adopted this country their own. They cherish their citizenship so deeply and the blessings it bestows on them that they more than any others do not wish to have their voice diluted.

**Thank you again for the opportunity to appear before you to
discuss this issue, and I look forward to any questions you may have.**